

**Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, September 27, 2022**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on September 27, 2022, by Vice President Tim Allen at 5:22 pm. The meeting was held at the District's office at 3862 Highway 1 in Raceland. The pledge was led by Monique Crochet and the invocation was given by Louis Andolsek. Vice President Allen called roll. Commissioners present were Tim Allen, Louis Andolsek, Rodney Foret, Darcy Kiffe, Tory Hebert, Elmo Pitre, Adley Peltier, Robert Pitre, Monique Crochet, and Cory Kief who arrived at 5:48 pm. Commissioner Percy Gasery was absent. Others present were Program/Project Manager Arthur Ostheimer; NLLD Administrative Assistant Madonna Viguerie; Executive Assistant Katie DeRoche; Project/Accounting Assistant Brandy Theriot, and various engineering professionals. NLLD Executive Director was absent for the meeting. A. Ostheimer led the meeting in D. Bourgeois' place. C. Kief gave recognition, after arriving at 5:50 pm, to Rebecca Robichaux in the audience who is running for Lafourche District Judge.

Approval of Minutes: Motion was made by R. Pitre, seconded by R. Foret, to approve the minutes of the following meetings: August 16, 2022, Finance & Priority Committee, August 16, 2022 Public Hearing & Regular Board Meeting and August 16, 2022 Legal & Development Committee. No discussion or public comment. Motion passed unanimously.

**A. Thibodaux – West Project Area:**

Acadia Woods: A. Ostheimer reported NLLD has been working with the City of Thibodaux, LPG and TPCG to bring improved drainage to the Acadia Woods area of Lafourche Parish and the City of Thibodaux and has had some conversations with USACE Regulatory to begin exploring some alternatives; but, for now the TAZ machine will be used to clear out some of the drainage ditches in the area and then re-group on any proposed projects. The NLLD has received a marked-up CEA from TPCG and has forwarded it to Pat for review, and once reviewed NLLD will send back to TPCG for their Council's approval. A. Ostheimer said TPCG has already cleaned St. Louis Bayou, which will lessen the work of NLLD. T. Allen asked if NLLD will still be using the TAZ machine for clearance. A. Ostheimer said the TAZ will specifically be used for the outfalls of Acadia Woods which have overgrown.

Waverly No. 2 Channel Project: A. Ostheimer reported NLLD is in the process of developing a NLLD project that will create a new major drainage channel called the Waverly No. 2 Channel Project. NLLD is waiting on the final right of way areas and maps for valuation and will also work on executing the right of way at Talbot.

**B. Thibodaux - Lockport - Bayou Blue Project Area:**

NSU Drainage Study: A. Ostheimer reported there are some possibilities of portions of this potential project being advanced along with some work on the Coastal Center and NLLD has addressed its funding needs with CPRA and the Governor's office. NSU agreed to keep the drainage improvements NLLD was proposing in that area in the contract for the construction of the Coastal Center. The Coastal Center looks like they will be getting some additional P2 funding from last year that would take care of a good bit of the proposed improvements.

Bayou Blue – Hollywood Backwater Flood Protection Project: A. Ostheimer reported Sealevel Construction, Inc. is the contractor on this project that is designed to protect the areas around the Hollywood canal from storm surge by way of the GIWW. CPRA is providing a little over \$6.5M GOMESA reimbursement for the construction. Sealevel has mobilized to both the southern and northern closure site. They have set-up cranes at both locations, received materials, and begun layout of the project. D. Kiffe motioned, seconded by M. Crochet to approve Change Order No. 2 to increase the contract time by 14 days to extend the construction period to July 17, 2023 due to inclement weather and site conditions in August 2022, as requested by Sealevel Construction, Inc. and recommended by the project engineer.

No discussion or public comment. Motion passed unanimously. A. Peltier motioned, seconded by L. Andolsek to approve payment of pay request #2 in the amount of \$159,633.53 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Raceland Prairie District 2 of 12 Seepage Repairs: A. Ostheimer reported NLLD made a Capital Outlay Request in prior years for funding in support of NLLD's broader program of improvements to all these levees in these FDAs. This year, NLLD did receive Capital Outlay Appropriations in HB2 for these projects. NLLD received a P1 appropriation of \$1,225,000, cash line payable from the Cap Outlay Savings Fund of \$3,000,000 and a P5 Appropriation of \$2,750,000 of the \$6M ask. The funding will be administered by the Office of Facility Planning and Control. They are working on the funding agreement. As part of the process, the Bond Committee officially approved the \$1M on 9-15 to go with the \$225K previously approved funding bringing our total Capital Outlay funding to \$4.225M for this project. LA FP&C is finalizing a revised CEA for the project. NLLD will need to finalize this to move forward with the project and LCI is continuing the design of the project. NLLD is also continuing work on the Sugarland property currently digging a bypass ditch for the Twin Oaks subdivision drainage improvements.

Bayou Folsse Watershed Backwater Flood Protection: A. Ostheimer reported on this project that NLLD had been framing up for a little bit. Commissioner Tim Allen suggested NLLD explore if there would be any synergy between NLLD's efforts and efforts of the Lafourche – Terrebonne Soil and Water Conservation District, a local governmental group under the USDA Natural Resource Conservation Service (NRCS). Their goal was to submit a couple of projects that might be considered for funding by NRCS. NLLD met initially with some folks from LSWCD, LA Department of Ag and Forestry and NRCS where everyone sorted out the opportunity for receiving some funding assistance for design of a project that benefits farmland within the District and came up with a couple of projects. One along US90 near Des Allemands and D. Bourgeois suggested a consideration of an Upper Bayou Folsse backwater protection project that NLLD had already been considering and everyone felt this project would check all the boxes. A. Ostheimer said D. Bourgeois agreed to ask ASCE to frame up something along US90 and LCI to work on framing something up along the lines NLLD had been thinking about. LCI suggested some alternatives and there were a few meetings of refining that. The larger group met again with NLLD on August 9, 2022, this time along with Commissioner Bob Pitre, where it was decided to submit an application.

**C. Lockport - Larose Project Area:**

Lockport – Larose Levee Project Reaches C4, C5, and D1: A. Ostheimer reported Onshore Materials, LLC is the contractor on this project that is phase 1 and 2 of the improvements to the levees in these reaches. The certificate of substantial completion was accepted in June and the Clear Lien Certificate has been provided by the contractor. The project is complete, and the clear lien has been submitted for the project. NLLD will still have to monitor the area of settlement at the end of project until it is at point that it can be placed back into section. R. Pitre motioned, seconded by A. Peltier to approve payment of the final pay request in the amount of \$202,158.92 from Onshore Materials, LLC as recommended by the project engineer. No further discussion or public comment. Motion passed unanimously. D. Kiffe asked if the Rights of Way will be managed by the NLLD. A. Ostheimer said from the Parr Pump Station to the Intercoastal will be maintained by the NLLD. D. Kiffe asked about a 25 ft. right of way on the non-levee side of the project and A. Ostheimer said it will revert back to the responsibility of the landowner. D. Kiffe also asked if the lilies in the canal will be cleared. A. Ostheimer said the LPG will clear the lilies and the NLLD also will spray the canal with its annual vegetation control. R. Pitre asked if the fencing was taking care of from this right of way and D. Kiffe said it was not. There is some uncertainty with the fence on the landowner's property. After additional discussion on the uncertainty of fencing along this temporary right of way D. Kiffe motioned, seconded by R. Pitre to temporarily detain the release of

payment for the previously approved pay request to Onshore Materials, LLC. until the NLLD Executive Director clears the last few fencing issues with Onshore Materials, LLC., if any. No further discussion or public comment. Motion passed unanimously. President Cory Kief joined the board at this time and conducted the rest of the meeting.

Lockport to Larose Reach B Levee Project: A. Ostheimer reported NLLD will be receiving CPRA reimbursement of \$1M available this year for this project. The IGA was finalized and executed. Picciola has responded to CPRA's review comments and submitted the requested information. NLLD is currently waiting to see if CPRA's has any additional questions or comments based on these responses. NLLD is also awaiting some additional geotechnical information on a potential borrow pit adjacent to the project. NLLD should have that information in the very near future.

Lockport to Larose Reach D2 & D3 Levee Improvements: A. Ostheimer reported NLLD is working with Picciola & Associates on a project to improve the elevation of the Lockport to Larose Reach D2 & D3 Levee to an 8' elevation. NLLD had completed an initial project in 2017 that brought the elevation up to 6.5'. With settlement in consolidation, which was expected, the elevation lost approximately a foot of protection. NLLD was able to work with CPRA to move the excess funding app \$800K from TLBB Element 2 to help fund this project. NLLD has spoken with CPRA and they will be drafting an IGA for the funding of the project. NLLD has also contracted with Picciola & Associates to perform the design of the project to bring the elevation to 8'.

**D. Choupic Project Area:**

West Choupic & St. James Project Area Backwater Flood Protection: A. Ostheimer reported NLLD is working with Leonard Chauvin P.E., Inc. (LCI) to re-align the proposed levee in an area that avoids the worst impacts to landowners yet may still be OK with the Corps. NLLD is drastically re-thinking its options on this project, which is taking a bit more effort in development. D. Bourgeois has had some conversation with USACE Regulatory about some of NLLD's ideas and they are receptive, more so than previous approaches.

**E. St. James Project Area:**

Woodland Heights Levee: A. Ostheimer reported this project will provide backwater flood protection from Woodland Heights to the public housing on Hwy 20 which had issues during last year's floods. NLLD has been working with the landowners in the area to have a project that will meet the needs of the area and prevent future flooding. LCI is gathering some additional information for possibly tying this system into another existing force drainage system. Once having that, NLLD can decide the best path forward.

**F. Lake Bouef Watershed Project Area:**

Zeller/Larousse Forced Drainage Area Systems Improvements: A. Ostheimer reported Phase 2 of this project is designed to provide structural stability to the system and improve the levee to a 5' elevation. This construction is being partially reimbursed with GOMESA funding through CPRA. NLLD has received a concern from DNR regarding a possible enforcement issue of the project. NLLD met with them onsite to review the project and the only issue remaining is that the permit lapsed and there will be an extension. NLLD did review the project on September 15 with LCI and all parties agree the project is substantially complete. A. Peltier motioned, seconded by D. Kiffe to approve payment of pay request #9 in the amount of \$176,301.00 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Hebert motioned, seconded by T. Allen to accept the Certificate of Substantial Completion from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

LBW Backwater Protection Project: 308 Farmers Meeting: A. Ostheimer reported there are some federal rule changes being contemplated that would impact this potential project. NLLD will have to wait a bit to see how this all shakes out before re-grouping. R. Foret said this group is unhappy with NLLD not making

any progress with this. A. Ostheimer said there was a levee project aligned for this area and now there are changes to the redefinitions of reversed crop lands, which is making it harder to align the levee where the farm owners would ideally like it. It will be difficult obtaining permits for what is now wetlands in the area and would be costly. D. Bourgeois is still working hard on this but it will not be easy to get the USACE to place this levee further back because they have to abide by the language in US environmental law. Discussion ensued on other possible drainage improvements in this area until a final alignment is made. R. Pitre recommended having another meeting with this group in January.

60 Arpent Canal Clearing and Maintenance Project: A. Ostheimer reported the NLLD's deep-water Marsh Buggy is being used for some long-term maintenance dredging of approximately 2 miles of the 60 Arpent Canal. Sealevel Construction is currently clearing the spoil bank and creating the retainage dike with support from the NLLD's machine. Once this is complete, NLLD will begin dredging the canal.

**G. Gheens Project Area:**

Natural Gas FDA Levee Improvements: D. Bourgeois and A. Ostheimer reported Clark Construction Enterprises, LLC is the contractor for this project that is designed to improve the levee elevation to 7'. The construction is being reimbursed with GOMESA funding through CPRA. NLLD met with ASCE and Clark Construction on August 3rd for the monthly progress meeting. Clark is working on completion of the project but has been slowed by the rain. Although the project is not built to template, NLLD can say based on information from ASCE field personnel, that as of July 20th the protection elevation is at 7' which is the project goal. NLLD does expect Clark, once the weather permits, to complete the final dress work on the levee and request substantial completion. D. Kiffe motioned, seconded by M. Crochet to approve payment of pay request #11 in the amount of \$25,901.85 from Clark Construction Enterprises, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Upper Barataria Risk Reduction (UBRRP) Project: A. Ostheimer reported the NLLD and the LBLD have been working cooperatively to get this design further down the road. The project received a favorable Chief's Report. The project, via the Corps, did receive \$8M in funding for PED and MVP is working on the PED under the oversight of MVN.

**H. Valentine - East Project Area:**

T-Bois Levee FDA: A. Ostheimer reported Circle LLC is the contractor on this project that includes maintenance work on the area of the levee from Hamilton St. to North American Shipyard. This project is complete, and the retainage was paid to the contractor last month so it will be removed from next month's agenda. NLLD will be continuing with some development to the levee and would like to widen the footprint of this levee and increase stability for the future.

T-Bois Ludevine Levee Tie In: A. Ostheimer reported this project will connect the T-Bois Levee on the eastern side of Hamilton Street to the Ludevine Levee on the Western side of Hamilton Street. It will provide some interconnectivity to the two FDAs. Outer Limit recently finished excavating and processing material from the property off Hamilton Street that the District purchased to be used on this project and others in the area. NLLD met with Picciola to discuss Phase 2 of the project on August 4th. At that meeting, NLLD discussed moving the Phase 2 project forward without the asphalt work because there are concerns it would be damaged during construction of the new Ludevine Pump Station. This approach will allow NLLD to install the protection across Hamilton Street immediately while allowing the traffic to consolidate the installed material. This will also allow additional time to coordinate the possible replacement of the Eunice Allemand Bridge which would be funded by LPG.

Morganza to the Gulf Eastern Tie-in, reach 2 Interim Improvements: A. Ostheimer reported Dynamic Group, LLC is the contractor for this project designed to enhance nearly 20,000 LF of levee improvements to an approximate 7.5' elevation and modify the Ludevine Pump Station to account for the modified levee section. The CPRA will ultimately provide \$3M for this project available through

surplus funds. NLLD met with Dynamic on September 13th to discuss the project. Dynamic is continuing to excavate, process, haul, and install material. Dynamic has stated they will be working on completing sections of the levee to gain partial acceptance and that they believe a majority of the material is staged along the levee to complete the project. A. Peltier motioned, seconded by L. Andolsek to approve Change Order No. 6 to increase the contract time by an additional 17 days related to August 2022 adverse weather conditions as requested by Dynamic Group, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Pitre motioned, seconded by E. Pitre to approve payment of pay request #10 in the amount of \$10,426.86 from Dynamic Group, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Ludevine Pump Station Replacement: A. Ostheimer reported this project was developed out of the poor condition of the existing station and a conflict with the Reach 2 levee alignment. Recognizing this conflict and need, CPRA through GOMESA funding provided \$2.8M in the annual plan for construction of this project. The IGA was finalized and executed, and NLLD is seeking additional funds to cover anticipated project cost increases. Some of these needed funds have been included in this year's Annual Plan from CPRA. NLLD has been working with GIS Engineering on the development of this project. GIS has submitted a review set of drawings which was forwarded to CPRA for review. CPRA has returned comments/questions and GIS is currently working on the response. GIS has forwarded the responses and requested information to CPRA. NLLD will also be meeting with LPG next week to discuss the project plans and to address any of their questions.

Morganza to the Gulf Eastern Tie-in, Reach 3 Interim Improvements: A. Ostheimer reported funding for this project is included in the State's Annual Plan this year. NLLD has been discussing the alignment with CPRA and trying to get all the information they have requested. Intracoastal Consultants has submitted the draft alignment report to the NLLD and Mitch Marmande with DCC to review and comment. Once they complete their review, the alignment will be presented to USACE.

#### **I. Maintenance and other Regional Projects:**

Maintenance Projects: A. Ostheimer reported Sealevel is currently working on a maintenance lift of the St. Charles Bypass levee and is about 95% complete with the project. Outer Limit has started the maintenance work on Reach D4 through Allied Shipyard and has been installing material. NLLD met with the landowners in order to finalize the RoW agreement for a project in the Raceland Prairie 3 of 12 to address seepage issues. The installation of rip rap and a trash screen at the Edna Pump was completed. The TAZ unit has been working with LPG on clearing the drainage connection between Cyprien and Butch Hill which will be complete in the next couple of days.

Morganza to the Gulf (MTG), Larose to Lockport Feasibility Report: A. Ostheimer reported Mitch Marmande with Delta Coast Consultants (DCC) is working on the design of the actual alignment of the levee within the district and the required permit. Now that there is a new start funding for the project, the goal is to closely integrate efforts with the Corps, especially pertaining to permitting. NLLD has been working with CPRA as the project's primary NFS. A. Ostheimer said D. Bourgeois and Mitch are planning some additional meetings with the Corps but are waiting to use some western tie-in discussions that are ongoing as a templet.

Morganza to the Gulf: A. Ostheimer reported the Morganza to the Gulf project has its federal "new start" designation, a signed PPA and considerable funding for the project at \$378M through the IJJA. All entities involved with MtoG are also pursuing additional ongoing funding from the Federal Government and are encouraged in what is being heard. Everything is falling into place; but, everyone has to keep pushing for ongoing funding and to match the efforts and needs with the Corps. Even with funding coming, there needs to be a continuation of staying ahead of which projects are a priority and which other MtoG projects can be funded through other opportunities. D. Bourgeois made a trip to DC last

week where he discussed much of the Morganza with the Louisiana Delegation. There was a meeting and flyover with Candace Vahlsing from OMB, MG Graham with USACE HQ and Mrs. Brown from the ASA-CW office on August 31 in Houma for funding and moving the project forward. Mrs. Vahlsing was the focus of this trip and she was very receptive to hearing about the environmental benefits of the Morganza and following up on alternative funding. D. Bourgeois said this was a very successful meeting and fly-over.

**K. General Items:**

Equipment: A. Ostheimer gave an update on equipment for this month. The equipment is up and running and there are no current equipment issues.

Surplus/Disposal of mud-boat, motor and trailer: As approved by the board last month, the District owned mud-boat was declared surplus and should be disposed of post haste. With that direction, NLLD advertised to accept bids on Thursday, September 29, 2022, starting at \$1,000.00 as an estimated value.

Photo Presentation: A. Ostheimer presented photos and gave explanations on the following projects: TLBB 3 of 12; Cyprien – Butch Hill; 60 Arpent & Canal; Allied Shipyard; Hollywood Canal; Lefort Bypass; Natural Gas; Reach 2; St. Charles Bypass; Twin Oaks

NFIP: A. Ostheimer reported the NFIP will expire on September 30, 2022 and will likely be reauthorized by a CR taking it into next year at some point. However, there is currently not much expected real movement with NFIP reauthorization and RR2.0, or the RFI they recently put out. D. Bourgeois said he has drafted questions for the record that Senator Kennedy has submitted to Mr. Maurstad with FEMA for the purpose of demanding answers the people of Louisiana deserve when it comes to RR 2.0 and still waiting for those replies. The ALBL is working to get the State AG to file suit showing damages and non-compliance with the APA from the development and implementation of RR 2.0. Many locals have been willing to present their personal flood insurance rate increases and this can be used to further the case in filing suit on FEMA for the implementation of RR 2.0. D. Bourgeois discussed NFIP reform and RR2.0 with most of the Louisiana's delegations' staff members and with Senator Hyde-Smith's office, during his trip to DC last week.

Association of Levee Boards of Louisiana Annual Meeting: A. Ostheimer reported ALBL will host its annual meeting on Nov. 30- Dec. 1 in New Orleans and to let Katie know if there is interest in attending.

Training for Board members: A. Ostheimer reported Katie would like to remind everyone of the annual ethics and sexual harassment mandated training. She will email specific dates to choose from starting in October through December to come into the office and watch the videos. The board can also watch the ethics training on the ethics website if preferred. She will send the link to that as well. And the Lafourche Parish District Attorney's Office will also be sponsoring a live ethics training at 2:00 p.m. on Wednesday, October 5 at the Warren J. Harang Jr. Municipal Auditorium located at 310 N. Canal Blvd. in Thibodaux. She will send a calendar invite to that.

Other Meetings this Month: A. Ostheimer stated in addition to the regular monthly meeting circuit and those previously discussed, D. Bourgeois participated in the following meetings:

CPR Board Meeting: 8/17/22

BIG luncheon with Senator Cassidy: 8/22/22

Coastal Advisory Team Meeting: 8/23/22

HTV-Going Public: 8/24/22

Mississippi River Commission Reception: 8/26/22

Mississippi River Commission Low Water Inspection Public Meeting: 8/26/22

Joint Chamber Luncheon: 8/30/22

USACE / ASA-CW/ OMB meeting in Houma/Flyover: 8/31/22

MtoG tour with Congressman Graves' staff: 9/1/22

USACE Colonel Murphy transition to Colonel Jones Introductory Meeting: 9/7/22

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MtoG Funding Discussion: 9/8/22

BIG Luncheon: 9/12/22

BTNEP / BTEF White Boot Gala: 9/13/22

MVFCFA Executive Meeting: 9/15/22

USACE Colonel Murphy Change of Command: 9/16/22

MVFCFA DC Meetings: 9/19/22-9/21/22 (Dinner with Col Jones. Graves and Letlow)

CPRA Board Meeting (Cory attended): 9/21/22

CABL Leadership Louisiana Tour Guide: 9/23/22

DC Meetings and OMB: 9/27/22-9/29/22

Finance & Priority Committee: Committee Chair Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on August 16, 2022. The NLLD Board has a copy of those minutes in tonight's meeting packet. During that meeting, the committee reviewed and approved the Payables Report that was accepted by the full board in the Regular meeting that followed.

Legal / Development Committee: Committee member Rodney Foret reported the Legal/Committee met on August 16, 2022. The NLLD Board has a copy of those minutes in tonight's meeting packet. During that meeting, the committee went into executive session to discuss liquidated damages as related to the procurement contract for the Linkbelt 130 MB with Marsh Buggy's Inc. and the construction contract for the Lockport to Larose C4,C5,D1 Project with Onshore Materials, LLC.

Accounts Payable: A motion was made by L. Andolsek, seconded by E. Pitre to accept the Payables Report as given. No discussion or public comment. Motion passed unanimously.

The President called for other engineering reports; there were none.

The President called for additional public comments; there were none. The President announced the next Regular Monthly Board Meeting will be at 5:20 PM (or immediately following the 5:15 PM F&P Committee meeting) on Tuesday, October 18, 2022, at the District's office located at 3862 Highway 1, Raceland, LA. As a reminder to the commissioners, there will be the election of officers next month. The meeting was unanimously adjourned at 6:44 PM on motion by R. Pitre, seconded by M. Crochet.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director